

[MSC Order List: May 18, 2011](#)

5-23-2011 by Julie Lam

The Michigan Supreme Court vacated the January 21, 2010 opinion and order of the Court of Appeals in *Wolf v City of Detroit*, No. 140679, because a material question of fact exists and summary disposition in favor of the defendant was improper. The Michigan Supreme Court remanded the case to the Court of Appeals, and suggested a further remand to the circuit court because substantial fact-finding may be necessary. Justice Marilyn Kelly concurred in the Order vacating the January 21, 2010 opinion and order but dissented from the decision to remand the case to the Court of Appeals and would instead remand it to the Wayne Circuit Court for further findings of fact.

In lieu of granting leave to appeal in *People v Oliver*, No. 142895, the Michigan Supreme Court remanded the case to the Muskegon Circuit Court to enter an amended judgment of sentence granting the defendant sentencing credit for the period of time he was incarcerated as a condition of probation. The Court denied the appeal in all other respects.

The Michigan Supreme Court considered the application for leave to appeal in *People v Spagnotti*, No. 142184, and directed the Houghton County Prosecuting Attorney to answer the application within 28 days after the date of the Order.

The Michigan Supreme Court granted two applications, inviting the Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan to file briefs amicus curiae. In *People v Bryant*, No. 141741, the parties shall include among the issues to be briefed, three issues related to a defendant's claim of underrepresentation under *Duren v Missouri*, 439 US 357 (1979). In *People v Richards*, No. 142234, the application was granted limited to the issue of whether a circuit judge's instruction to the jury allowing jurors to discuss evidence among themselves in the jury room during trial recesses violated the defendant's right to an impartial jury and a fair trial.